

Senate Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 219
SENATE BILL 1186

AN ACT

AMENDING SECTIONS 32-106, 32-121, 32-122.05, 32-122.06, 32-122.07,
41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO
THE STATE BOARD OF TECHNICAL REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-106, Arizona Revised Statutes, is amended to
3 read:

4 32-106. Powers and duties

5 A. The board shall:

6 1. Adopt rules for the conduct of its meetings and performance of
7 duties imposed on it by law.

8 2. Adopt an official seal for attestation of certificates of
9 registration and other official papers and documents.

10 3. Consider and act on or delegate the authority to act on
11 applications for registration or certification.

12 4. Conduct examinations for in-training and professional
13 registration except for an alarm business, A CONTROLLING PERSON or an
14 alarm agent.

15 5. Hear and act on complaints or charges or direct an
16 administrative law judge to hear and act on complaints and charges.

17 6. Compel attendance of witnesses, administer oaths and take
18 testimony concerning all matters coming within its jurisdiction. In
19 exercising these powers, the board may issue subpoenas for the attendance
20 of witnesses and the production of books, records, documents and other
21 evidence it deems relevant to an investigation or hearing.

22 7. Keep a record of its proceedings.

23 8. Keep a register that shows the date of each application for
24 registration or certification, the name of the applicant, the practice or
25 branch of practice in which the applicant has applied for registration, if
26 applicable, and the disposition of the application.

27 9. Do other things necessary to carry out the purposes of this
28 chapter.

29 B. The board shall specify the proficiency designation in the
30 branch of engineering in which the applicant has designated proficiency on
31 the certificate of registration and renewal card issued to each registered
32 engineer and shall authorize the engineer to use the title of registered
33 professional engineer. The board shall decide what branches of
34 engineering it shall recognize.

35 C. The board may hold membership in and be represented at national
36 councils or organizations of proficiencies registered under this chapter
37 and may pay the appropriate membership fees. The board may conduct
38 standard examinations on behalf of national councils and may establish
39 fees for those examinations.

40 D. The board may employ and pay on a fee basis persons, including
41 full-time employees of a state institution, bureau or department, to
42 prepare and grade examinations given to applicants for registration and
43 may fix the fee to be paid for these services. These employees are
44 authorized to prepare, grade and monitor examinations and perform other
45 services the board authorizes, and to receive payment for these services

1 from the technical registration fund. The board may contract with an
2 organization to administer the registration examination, including
3 selecting the test site, scheduling the examination, billing and
4 collecting the fee directly from the applicant and grading the examination
5 if a national council of which the board is a member or a professional
6 association approved by the board does not provide these services. If a
7 national council of which the board is a member or a professional
8 association approved by the board does provide these services, the board
9 shall enter into an agreement with the national council or professional
10 association to administer the registration examination.

11 E. The board may rent necessary office space and pay the cost of
12 this office space from the technical registration fund.

13 F. The board may adopt rules establishing rules of professional
14 conduct for registrants.

15 G. The board may require evidence it deems necessary to establish
16 the continuing competency of registrants as a condition of renewal of
17 licenses.

18 H. Subject to title 41, chapter 4, article 4, the board may employ
19 persons as it deems necessary.

20 I. The board shall issue or may authorize the executive director to
21 issue a certificate or renewal certificate to each alarm business AND EACH
22 CONTROLLING PERSON and a certification or renewal certification card to
23 each alarm agent if the qualifications prescribed by this chapter are met.

24 Sec. 2. Section 32-121, Arizona Revised Statutes, is amended to
25 read:

26 32-121. Certificate or registration required for practice

27 Except as otherwise provided in this section, a person or firm
28 desiring to practice any ~~board-regulated~~ BOARD-REGULATED profession or
29 occupation shall first secure a certificate or registration and shall
30 comply with all the conditions prescribed in this chapter. An alarm
31 business or an alarm agent may install alarms ~~as follows~~ IF ALL OF THE
32 FOLLOWING APPLY:

33 1. The alarm business has submitted an application for
34 certification pursuant to section 32-122.05 or is a licensed contractor
35 pursuant to chapter 10 of this title.

36 2. EACH CONTROLLING PERSON HAS SUBMITTED AN APPLICATION AND PROOF
37 OF A VALID FINGERPRINT CLEARANCE CARD TO THE BOARD PURSUANT TO SECTION 32-
38 122.05.

39 ~~2.~~ 3. The alarm agent has submitted an application and
40 fingerprints APPLIED FOR A FINGERPRINT CLEARANCE CARD ~~to the board~~
41 pursuant to section 32-122.06.

1 Sec. 3. Section 32-122.05, Arizona Revised Statutes, is amended to
2 read:

3 32-122.05. Certification of alarm businesses and controlling
4 persons; applications; fingerprinting; fee;
5 renewal

6 A. ~~Beginning May 1, 2013,~~ The board shall issue certificates to
7 alarm businesses and ~~alarm agents~~ CONTROLLING PERSONS. ~~Beginning October~~
8 ~~1, 2013, a person shall not operate an alarm business unless the person~~
9 ~~obtains An alarm business certificate MAY NOT OPERATE UNTIL THE ALARM~~
10 ~~BUSINESS AND EACH OF ITS CONTROLLING PERSONS SUBMIT APPLICATIONS AND~~
11 ~~RECEIVE CERTIFICATION from the board. A separate certificate is required~~
12 ~~for each business name under which an alarm business conducts business or~~
13 ~~advertises, except that one certificate may be used for two businesses~~
14 ~~with the same ownership. To obtain an alarm business certificate, each~~
15 ~~controlling person of the alarm business shall submit a completed~~
16 ~~fingerprint card and a fingerprint background check fee to the board. On~~
17 ~~receipt of the application and each year thereafter on the anniversary of~~
18 ~~the initial certification for as long as the alarm business is certified,~~
19 ~~the board shall submit the fingerprints of each controlling person to the~~
20 ~~department of public safety for the purpose of obtaining a state and~~
21 ~~federal criminal records check pursuant to section 41-1750 and Public Law~~
22 ~~92-544. The department of public safety may exchange this fingerprint~~
23 ~~data with the federal bureau of investigation. Each controlling person of~~
24 ~~the alarm business shall submit a fingerprint background check fee to the~~
25 ~~board annually on the anniversary of the initial certification of the~~
26 ~~alarm business. The board shall keep and maintain the fingerprint card~~
27 ~~for as long as the person is the controlling person of the alarm business.~~
28 ~~PROVIDE PROOF TO THE BOARD OF HAVING A VALID FINGERPRINT CLEARANCE CARD~~
29 ~~ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. All alarm business~~
30 ~~certificates AND CONTROLLING PERSON CERTIFICATES issued pursuant to this~~
31 ~~article are valid for two THREE years from the date of issuance.~~

32 B. ~~A person shall submit an application for an alarm business~~
33 ~~certificate or renewal of the certificate to the board. The AN~~
34 ~~application FOR AN ALARM BUSINESS CERTIFICATE AND FOR A CONTROLLING PERSON~~
35 ~~CERTIFICATE shall include:~~

36 1. The name, business address, mailing address and telephone number
37 of the alarm business. If the applicant is a corporation, general or
38 limited partnership, limited liability company or other legal entity, the
39 applicant shall state the name of the ~~applicant~~ ALARM BUSINESS exactly as
40 shown in its articles of incorporation, charter, certificate of limited
41 partnership, articles of organization or other organizational documents,
42 as applicable, together with the state and date of incorporation and the
43 ~~names~~ NAME, residence ~~addresses~~ ADDRESS and ~~dates~~ DATE of birth of each
44 controlling person. If one or more of the partners, members or
45 shareholders of the applicant is a corporation or other legal entity, the

1 provisions of this subsection relating to information required of a
2 corporation apply.

3 2. If the ~~applicant~~ ALARM BUSINESS is a corporation, general or
4 limited partnership, limited liability company or other legal entity,
5 designation of one of its designated controlling persons to have full
6 authority, and act as ~~principal~~ THE ALARM BUSINESS'S CONTACT WITH THE
7 BOARD AND BE RESPONSIBLE FOR THE ALARM BUSINESS'S COMPLIANCE WITH THIS
8 CHAPTER. ~~The~~ EACH designated CONTROLLING person shall complete and sign
9 all application forms required of an individual alarm agent applicant
10 under this article. The ~~applicant~~ ALARM BUSINESS shall also provide a
11 copy of the corporation, partnership or limited liability company
12 formation documents TO THE BOARD.

13 3. The name of the ~~applicant~~ ALARM BUSINESS and each controlling
14 person, any alias or other name used or by which the ~~applicant~~ ALARM
15 BUSINESS or any controlling person has been previously known, AND the
16 ~~applicant's~~ current residence and business addresses, telephone numbers,
17 including fax numbers, and ~~electronic mail~~ E-MAIL addresses OF EACH ALARM
18 BUSINESS AND EACH CONTROLLING PERSON.

19 4. The names and addresses of the alarm agents who are employed by
20 the alarm business.

21 5. Proof that the ~~applicant~~ PERSON SUBMITTING THE APPLICATION and
22 each controlling person are at least eighteen years of age as indicated on
23 a current driver license or other picture identification document that is
24 issued by a governmental agency.

25 6. Two current ~~two-inch~~ TWO-INCH by ~~two-inch~~ TWO-INCH photographs
26 of the ~~applicant~~ EACH CONTROLLING PERSON.

27 7. Information as to whether the applicant or any controlling
28 person, or the business on behalf of which the certificate is being
29 applied for, has ever been refused or denied any similar registration,
30 certificate, license or permit or has had any similar license or permit
31 revoked, canceled or suspended and the reason or reasons for the
32 revocation, cancellation or suspension.

33 8. WHETHER THE PERSON SUBMITTING THE APPLICATION OR ANY CONTROLLING
34 PERSON HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR.

35 C. In addition to the application requirements prescribed in
36 subsection B of this section, an applicant for an alarm business
37 certificate AND AN APPLICANT FOR A CONTROLLING PERSON CERTIFICATE shall
38 pay a fee as determined by the board.

39 D. An applicant for an INITIAL alarm business certificate OR AN
40 INITIAL CONTROLLING PERSON CERTIFICATE or an applicant for a renewal of an
41 alarm business certificate OR A CONTROLLING PERSON CERTIFICATE shall
42 notify the board, in writing, of any change in the information contained
43 in the certificate application or renewal application, INCLUDING THE NAMES
44 OF CONTROLLING PERSONS OR ALARM AGENTS THAT HAVE LEFT THE APPLICANT'S

1 EMPLOYMENT. The applicant shall notify the board within fifteen calendar
2 days after the occurrence of the change.

3 E. An alarm business AND EACH CONTROLLING PERSON shall file an
4 application for a certificate renewal with the board no later than
5 fourteen days before the expiration of the certificate that is currently
6 in effect. If a certificate expires without the alarm business OR
7 CONTROLLING PERSONS having submitted a timely application for renewal, THE
8 ALARM BUSINESS MAY NOT OPERATE UNTIL the holder of the expired certificate
9 shall file FILES a new application for an initial certificate.

10 Sec. 4. Section 32-122.06, Arizona Revised Statutes, is amended to
11 read:

12 32-122.06. Certification of alarm agents; fee;
13 fingerprinting; temporary certification; renewal

14 A. Each alarm agent shall apply for an alarm agent certification
15 and a renewal certification card from the board. The board shall issue or
16 deny an alarm agent certification card or a renewal certification card
17 within ten business days after receiving the AN ADMINISTRATIVELY COMPLETE
18 application THAT INCLUDES AN EXPLANATION OF ANY CRIMINAL OR DISCIPLINARY
19 HISTORY. All alarm agent certificates issued pursuant to this article are
20 valid for two THREE years from the date of issuance.

21 B. ~~In order~~ To obtain an alarm agent certificate, a person shall
22 submit an application and TO THE BOARD, pay a fee as determined by the
23 board. ~~The person shall submit a completed fingerprint card and a~~
24 ~~fingerprint background check fee AND PROVIDE to the board EVIDENCE OF~~
25 ~~HAVING A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41,~~
26 ~~CHAPTER 12, ARTICLE 3.1. On receipt of the application and each year~~
27 ~~thereafter on the THIRD anniversary of the initial certification for as~~
28 ~~long as the person is an alarm agent, the board shall submit the alarm~~
29 ~~agent's fingerprints to the department of public safety for the purpose of~~
30 ~~obtaining a state and federal criminal records check pursuant to section~~
31 ~~41-1750 and Public Law 92-544. VERIFY WITH the department of public safety~~
32 ~~may exchange this fingerprint data with the federal bureau of~~
33 ~~investigation THE STATUS OF THE ALARM AGENT'S FINGERPRINT CLEARANCE CARD.~~
34 This subsection does not apply if the alarm agent is also the controlling
35 person and has complied with section 32-122.05. ~~For as long as the person~~
36 ~~is an alarm agent:~~

37 1. ~~The person shall submit a fingerprint background check fee to~~
38 ~~the board annually on the anniversary of the person's initial~~
39 ~~certification.~~

40 2. ~~The board shall keep and maintain the fingerprint card. AN ALARM~~
41 ~~AGENT CERTIFICATE REMAINS VALID ONLY IF THE PERSON MAINTAINS A VALID~~
42 ~~FINGERPRINT CLEARANCE CARD.~~

43 C. A person shall apply for an alarm agent certificate within five
44 working days after being employed by an alarm business. A person may not
45 work as an alarm agent until the application is processed and approved

1 unless THE PERSON IS under the direct supervision of a certified alarm
2 agent OR UNLESS THE ALARM BUSINESS EMPLOYING AN ALARM AGENT WHO IS
3 APPLYING FOR AN INITIAL ALARM AGENT CERTIFICATE CERTIFIES THAT THE ALARM
4 BUSINESS HAS DETERMINED THROUGH A PRIVATELY ADMINISTERED BACKGROUND CHECK
5 BY A NATIONALLY RECOGNIZED DATABASE COMPANY THAT THE APPLICANT HAS NOT
6 BEEN CONVICTED OF A CRIME THAT WOULD PREVENT THE APPLICANT FROM RECEIVING
7 A FINGERPRINT CLEARANCE CARD. THE ALARM BUSINESS EMPLOYING THE ALARM
8 AGENT SHALL PROVIDE A COPY OF THE BACKGROUND CHECK TO THE BOARD ON
9 REQUEST. A COPY OF THE APPLICATION SHOWING THAT THE APPLICATION HAS BEEN
10 FILED WITH THE BOARD AND THAT A BACKGROUND CHECK HAS BEEN CONDUCTED IS
11 VALID AS A SIXTY-DAY TEMPORARY CERTIFICATION UNDER THIS SUBSECTION. THE
12 SIXTY-DAY TEMPORARY CERTIFICATION MAY BE EXTENDED FOR A PERIOD NOT TO
13 EXCEED AN ADDITIONAL THIRTY DAYS IF THE APPLICANT SHOWS GOOD CAUSE TO THE
14 BOARD. WHEN THE APPLICANT RECEIVES A FINGERPRINT CLEARANCE CARD, THE
15 APPLICANT SHALL PROVIDE A COPY OF THE FINGERPRINT CLEARANCE CARD TO THE
16 BOARD WITHIN TEN DAYS. IF THE BOARD DETERMINES THAT A PERSON IS WORKING
17 AS AN ALARM AGENT WITHOUT A VALID CERTIFICATION OR TEMPORARY
18 CERTIFICATION, THE BOARD SHALL NOTIFY THE ALARM BUSINESS. A PERSON IS
19 SUBJECT TO DISCIPLINARY ACTION AND PENALTIES PURSUANT TO THIS CHAPTER.

20 D. An alarm agent shall physically possess the agent's alarm agent
21 certification card when performing or authorizing the performance of any
22 task pursuant to this chapter.

23 E. An alarm agent certificate card becomes the personal property of
24 the person to whom it is issued. The person shall retain possession of
25 the card.

26 F. IF AN ALARM AGENT'S EMPLOYMENT WITH AN ALARM BUSINESS IS
27 TERMINATED, THE ALARM AGENT SHALL NOTIFY THE BOARD IN WRITING WITHIN
28 FIFTEEN DAYS AFTER THE TERMINATION.

29 Sec. 5. Section 32-122.07, Arizona Revised Statutes, is amended to
30 read:

31 32-122.07. Denial of alarm business, controlling person or
32 alarm agent certification; appeal

33 A. The board may deny an application for certification as an alarm
34 business, CONTROLLING PERSON or alarm agent if a controlling person of an
35 alarm business or an alarm agent lacks good moral character or has been
36 convicted of an act involving moral turpitude. A lack of good moral
37 character may be established by evidence of past criminal activity and
38 shall be determined by the board.

39 B. If the board denies an application for certification as an alarm
40 business, CONTROLLING PERSON or an alarm agent, ~~it~~ THE BOARD shall send
41 notice of its action by certified mail to the applicant, setting forth the
42 reasons for the action taken.

43 C. Within thirty days after the date of the notice, the applicant
44 may request a hearing before the board pursuant to title 41, chapter 6,
45 article 10.

1 Sec. 6. Section 41-619.51, Arizona Revised Statutes, is amended to
2 read:

3 41-619.51. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Agency" means the supreme court, the department of economic
6 security, the department of child safety, the department of education, the
7 department of health services, the department of juvenile corrections, the
8 department of emergency and military affairs, the department of
9 transportation, the state real estate department, the department of
10 financial institutions, the Arizona game and fish department, the board of
11 examiners of nursing care institution administrators and assisted living
12 facility managers, the state board of dental examiners, ~~or~~ the Arizona
13 state board of pharmacy OR THE STATE BOARD OF TECHNICAL REGISTRATION.

14 2. "Board" means the board of fingerprinting.

15 3. "Central registry exception" means notification to the
16 department of economic security, the department of child safety or the
17 department of health services, as appropriate, pursuant to section
18 41-619.57 that the person is not disqualified because of a central
19 registry check conducted pursuant to section 8-804.

20 4. "Expedited review" means an examination, in accordance with
21 board rule, of the documents an applicant submits by the board or its
22 hearing officer without the applicant being present.

23 5. "Good cause exception" means the issuance of a fingerprint
24 clearance card to an employee pursuant to section 41-619.55.

25 6. "Person" means a person who is required to be fingerprinted
26 pursuant to this article or who is subject to a central registry check and
27 any of the following:

- 28 (a) Section 8-105.
29 (b) Section 8-322.
30 (c) Section 8-463.
31 (d) Section 8-509.
32 (e) Section 8-802.
33 (f) Section 8-804.
34 (g) Section 15-183.
35 (h) Section 15-503.
36 (i) Section 15-512.
37 (j) Section 15-534.
38 (k) Section 15-763.01.
39 (l) Section 15-782.02.
40 (m) Section 15-1330.
41 (n) Section 15-1881.
42 (o) Section 17-215.
43 (p) Section 28-3413.
44 (q) SECTION 32-122.05.
45 (r) SECTION 32-122.06.

1 ~~(q)~~ (s) Section 32-1232.
2 ~~(r)~~ (t) Section 32-1284.
3 ~~(s)~~ (u) Section 32-1297.01.
4 ~~(t)~~ (v) Section 32-1904.
5 ~~(u)~~ (w) Section 32-2108.01.
6 ~~(v)~~ (x) Section 32-2123.
7 ~~(w)~~ (y) Section 32-2371.
8 ~~(x)~~ (z) Section 32-3620.
9 ~~(y)~~ (aa) Section 32-3668.
10 ~~(z)~~ (bb) Section 32-3669.
11 ~~(aa)~~ (cc) Section 36-207.
12 ~~(bb)~~ (dd) Section 36-411.
13 ~~(cc)~~ (ee) Section 36-425.03.
14 ~~(dd)~~ (ff) Section 36-446.04.
15 ~~(ee)~~ (gg) Section 36-594.01.
16 ~~(ff)~~ (hh) Section 36-594.02.
17 ~~(gg)~~ (ii) Section 36-882.
18 ~~(hh)~~ (jj) Section 36-883.02.
19 ~~(ii)~~ (kk) Section 36-897.01.
20 ~~(jj)~~ (ll) Section 36-897.03.
21 ~~(kk)~~ (mm) Section 36-3008.
22 ~~(ll)~~ (nn) Section 41-619.53.
23 ~~(mm)~~ (oo) Section 41-1964.
24 ~~(nn)~~ (pp) Section 41-1967.01.
25 ~~(oo)~~ (qq) Section 41-1968.
26 ~~(pp)~~ (rr) Section 41-1969.
27 ~~(qq)~~ (ss) Section 41-2814.
28 ~~(rr)~~ (tt) Section 46-141, subsection A.
29 ~~(ss)~~ (uu) Section 46-321.

30 Sec. 7. Section 41-1758, Arizona Revised Statutes, is amended to
31 read:

32 41-1758. Definitions

33 In this article, unless the context otherwise requires:

34 1. "Agency" means the supreme court, the department of economic
35 security, the department of child safety, the department of education, the
36 department of health services, the department of juvenile corrections, the
37 department of emergency and military affairs, the department of
38 transportation, the state real estate department, the department of
39 financial institutions, the board of fingerprinting, the Arizona game and
40 fish department, the board of examiners of nursing care institution
41 administrators and assisted living facility managers, the state board of
42 dental examiners, or the Arizona state board of pharmacy OR THE STATE
43 BOARD OF TECHNICAL REGISTRATION.

44 2. "Division" means the fingerprinting division in the department
45 of public safety.

1 3. "Electronic or internet-based fingerprinting services" means a
2 secure system for digitizing applicant fingerprints and transmitting the
3 applicant data and fingerprints of a person or entity submitting
4 fingerprints to the department of public safety for any authorized purpose
5 under this title. For the purposes of this paragraph, "secure system"
6 means a system that complies with the information technology security
7 policy approved by the department of public safety.

8 4. "Good cause exception" means the issuance of a fingerprint
9 clearance card to an applicant pursuant to section 41-619.55.

10 5. "Person" means a person who is required to be fingerprinted
11 pursuant to any of the following:

- 12 (a) Section 8-105.
- 13 (b) Section 8-322.
- 14 (c) Section 8-463.
- 15 (d) Section 8-509.
- 16 (e) Section 8-802.
- 17 (f) Section 15-183.
- 18 (g) Section 15-503.
- 19 (h) Section 15-512.
- 20 (i) Section 15-534.
- 21 (j) Section 15-763.01.
- 22 (k) Section 15-782.02.
- 23 (l) Section 15-1330.
- 24 (m) Section 15-1881.
- 25 (n) Section 17-215.
- 26 (o) Section 28-3413.
- 27 (p) SECTION 32-122.05.
- 28 (q) SECTION 32-122.06.
- 29 ~~(p)~~ (r) Section 32-1232.
- 30 ~~(q)~~ (s) Section 32-1284.
- 31 ~~(r)~~ (t) Section 32-1297.01.
- 32 ~~(s)~~ (u) Section 32-1904.
- 33 ~~(t)~~ (v) Section 32-2108.01.
- 34 ~~(u)~~ (w) Section 32-2123.
- 35 ~~(v)~~ (x) Section 32-2371.
- 36 ~~(w)~~ (y) Section 32-3620.
- 37 ~~(x)~~ (z) Section 32-3668.
- 38 ~~(y)~~ (aa) Section 32-3669.
- 39 ~~(z)~~ (bb) Section 36-207.
- 40 ~~(aa)~~ (cc) Section 36-411.
- 41 ~~(bb)~~ (dd) Section 36-425.03.
- 42 ~~(cc)~~ (ee) Section 36-446.04.
- 43 ~~(dd)~~ (ff) Section 36-594.01.
- 44 ~~(ee)~~ (gg) Section 36-594.02.
- 45 ~~(ff)~~ (hh) Section 36-882.

1 ~~(gg)~~ (ii) Section 36-883.02.
2 ~~(hh)~~ (jj) Section 36-897.01.
3 ~~(ii)~~ (kk) Section 36-897.03.
4 ~~(jj)~~ (ll) Section 36-3008.
5 ~~(kk)~~ (mm) Section 41-619.52.
6 ~~(ll)~~ (nn) Section 41-619.53.
7 ~~(mm)~~ (oo) Section 41-1964.
8 ~~(nn)~~ (pp) Section 41-1967.01.
9 ~~(oo)~~ (qq) Section 41-1968.
10 ~~(pp)~~ (rr) Section 41-1969.
11 ~~(qq)~~ (ss) Section 41-2814.
12 ~~(rr)~~ (tt) Section 46-141, subsection A.
13 ~~(ss)~~ (uu) Section 46-321.
14 6. "Vulnerable adult" has the same meaning prescribed in section
15 13-3623.
16 Sec. 8. Section 41-1758.01, Arizona Revised Statutes, is amended to
17 read:
18 41-1758.01. Fingerprinting division: powers and duties
19 A. The fingerprinting division is established in the department of
20 public safety and shall:
21 1. Conduct fingerprint background checks for persons and applicants
22 who are seeking licenses from state agencies, employment with licensees,
23 contract providers and state agencies or employment or educational
24 opportunities with agencies that require fingerprint background checks
25 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,
26 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3413,
27 32-122.05, 32-122.06, 32-1232, 32-1284, 32-1297.01, 32-1904, 32-2108.01,
28 32-2123, 32-2371, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03,
29 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,
30 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and
31 41-2814, section 46-141, subsection A and section 46-321.
32 2. Issue fingerprint clearance cards. On issuance, a fingerprint
33 clearance card becomes the personal property of the cardholder and the
34 cardholder shall retain possession of the fingerprint clearance card.
35 3. On submission of an application for a fingerprint clearance
36 card, collect the fees established by the board of fingerprinting pursuant
37 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
38 the monies collected in the board of fingerprinting fund.
39 4. Inform in writing each person who submits fingerprints for a
40 fingerprint background check of the right to petition the board of
41 fingerprinting for a good cause exception pursuant to section 41-1758.03,
42 41-1758.04 or 41-1758.07.
43 5. If after conducting a state and federal criminal history records
44 check the division determines that it is not authorized to issue a
45 fingerprint clearance card to a person, inform the person in writing that

1 the division is not authorized to issue a fingerprint clearance card. The
2 notice shall include the criminal history information on which the denial
3 was based. This criminal history information is subject to dissemination
4 restrictions pursuant to section 41-1750 and Public Law 92-544.

5 6. Notify the person in writing if the division suspends, revokes
6 or places a driving restriction notation on a fingerprint clearance card
7 pursuant to section 41-1758.04. The notice shall include the criminal
8 history information on which the suspension, revocation or placement of
9 the driving restriction notation was based. This criminal history
10 information is subject to dissemination restrictions pursuant to section
11 41-1750 and Public Law 92-544.

12 7. Administer and enforce this article.

13 B. The fingerprinting division may contract for electronic or
14 internet-based fingerprinting services through an entity or entities for
15 the acquisition and transmission of applicant fingerprint and data
16 submissions to the department, including identity verified fingerprints
17 pursuant to section 15-106. The entity or entities contracted by the
18 department of public safety may charge the applicant a fee for services
19 provided pursuant to this article. The entity or entities contracted by
20 the department of public safety shall comply with:

21 1. All information privacy and security measures and submission
22 standards established by the department of public safety.

23 2. The information technology security policy approved by the
24 department of public safety.

APPROVED BY THE GOVERNOR APRIL 28, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2017.

Passed the House April 20, 2017,

Passed the Senate February 22, 2017,

by the following vote: 56 Ayes,

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24th day of April, 2017,

at 1:51 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 28th day of

April, 2017,

at 2:11 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 2017,

at 4:43 o'clock P. M.

[Signature]
Secretary of State

S.B. 1186